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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,851	04/12/2004	Kang-wook Chun	1349.1042D	1723
21171 7550 03/17/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
AN, SHAWN S				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
03/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/821,851

Applicant(s)

CHUN, KANG-WOOK

Examiner

SHAWN AN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/985,021.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/88)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6 and 15-16, drawn to a digital broadcasting apparatus/method, classified in class 375, subclass 240.12 and/or class 348 subclass 425.3;
 - II. Claims 7-9 and 17-22, drawn to a broadcasting signal encoding apparatus, classified in class 375, subclass 240.02;
 - III. Claims 10-14 and 23-28, drawn to a broadcasting signal decoding apparatus/method, classified in class 375, subclass 240.26;
 - IV. Claims 29-41, drawn to a data encoder to encode first and second data, classified in class 375, subclass 240.24; and
 - V. Claim 42, drawn to a data decoder to decode first and second data, classified in class 375, subclass 240.25.
2. Inventions of Groups I-V as represented above are directed to related fields of endeavor. The related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed meet all of the above distinct criteria(s). Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.

These inventions are independent or distinct for the reasons given above and there would be an extra burden on the Examiner if restriction is not required because:

- A) the inventions have acquired a separate status in the art in view of their corresponding different classification as well as their recognized divergent subject matter;

B) a search for the examination of all of the pending claims does indeed create undue burden on the Office by virtue of five distinct Groups as discussed above;

C) the prior art searching of different classifications and a prosecution of all of the pending claims as above clearly would be an additional burden based on the five distinct (independent) Groups and the limited amount of time allocated/given for the examination process and/or prosecution of each application;

D) the five distinct (independent) Groups, wherein each of the Group has diverse elements between its respective drawings/figures, wherein one Group of embodiment is not deemed obvious over any other Groups of embodiments identified; and

E) a reasonable search for one Group does not necessarily encompass/cover other Group(s) corresponding to other set of claims.

Furthermore, should Applicant traverse on the ground that the inventions or groups are not patentably distinct, Applicant should submit evidence or identify such evidence now of record showing the inventions or groups to be obvious variants or clearly admit on the record that this is the case. In either instance, if the Examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Therefore, in view of all of the reasons as set forth above, restriction for Examination purposes as indicated is proper.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn An* whose telephone number is (571) 272-7324.

4. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SHAWN AN/

Primary Examiner, Art Unit 2621

3/06/08

